

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ALVIN DAMPIER,

Plaintiff,

v.

KING COUNTY SHERIFF'S DEPUTY  
DONAGLIA, *et al.*,

Defendant.

CASE NO. C05-1954-MJP-MJB

ORDER STRIKING REQUESTS  
FOR ADDITIONAL TIME

This is a civil rights action brought under 42 U.S.C. 1983. Plaintiff is proceeding *pro se* and *in forma pauperis*. On April 14, 2006, this Court issued an Order setting forth a series of pretrial deadlines. Among the deadlines set was a discovery deadline of July 10, 2006, and a dispositive motion filing deadline of August 10, 2006. (*See* Dkt. No. 16.) On July 28, 2006, the Clerk received a letter from plaintiff asking that he be granted an extension of time. He indicated in his letter that he hadn't had access to his legal work because he had been in segregation for a period of thirty days because he had been transferred to another facility. The Clerk construed plaintiff's letter as a motion for extension of time and posted it as such.

ORDER STRIKING REQUESTS  
FOR ADDITIONAL TIME – 1

1           On August 7, 2006, the Court received from plaintiff a "Motion to Amend Case  
2     Schedule." In that motion, plaintiff requests an extension of time from August 7, 2006, to  
3     November 6, 2006. However, those dates do not correspond with any pending deadline and it is  
4     therefore not clear what it is plaintiff requires additional time to do. In addition, it does not  
5     appear from the record that plaintiff has provided copies of either his July 28, 2006, letter, or his  
6     motion to amend, to counsel for defendants.

7           Based upon the foregoing, the Court does hereby ORDER as follows:

8           (1) Plaintiff's motion for an extension of time (Dkt. No. 24) and plaintiff's motion to  
9     amend the case schedule (Dkt. No. 25) are STRICKEN. Because plaintiff has never served his  
10    requests for extension of time on counsel for defendants, they are not properly before the Court.  
11    If plaintiff wishes for the Court to consider his requests for additional time, he must file his  
12    motion with the Court, assign a proper noting date to the motion in accordance with Local Rule  
13    CR 7, and serve the motion on counsel for defendants so that counsel has an opportunity to  
14    respond to the motion.  
15    respond to the motion.

16           Should plaintiff choose to re-file his motion for extension of time, he must set forth with  
17    specificity why he requires the additional time; *i.e.*, to conduct discovery, respond to defendants'  
18    summary judgment motion, etc., and he must set forth how much time he believes will be  
19    required to accomplish each task. At this juncture, the discovery and dispositive motion filing  
20    deadlines have passed. Thus, unless plaintiff properly requests, and is granted, an extension of  
21    time, plaintiff will not be permitted to conduct any further discovery or to file a dispositive  
22    motion.  
23    motion.  
24    motion.  
25    motion.  
26    motion.

1           (2)     The Court notes that defendants filed a timely motion for summary judgment on  
2 August 9, 2006, which is noted on the Court's calendar for consideration on September 8, 2006.  
3 Plaintiff's response to that motion is due not later than September 5, 2006. Plaintiff is referred  
4 to this Court's Order Re: Pretrial Preparations which describes the consequences to plaintiff if  
5 he fails to file a timely and proper response to defendants' summary judgment motion. (*See* Dkt.  
6 No. 16 at 2.)

7           (3)     The Clerk is directed to send copies of this Order to plaintiff, to counsel for  
8 defendants, and to the Hon. Marsha J. Pechman.  
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10           DATED this 25<sup>th</sup> day of August, 2006.  
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14 MONICA J. BENTON  
15 United States Magistrate Judge  
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